

REMARKS

Claims 2-7, 9-31, 33-35 and 37-43 are pending. Claims 9-21 are withdrawn from consideration. No new matter has been added by way of the above amendments. For example, Applicants have amended the claims to recite an "article". New claims 38 and 39 are supported by the subject matter of claim 22. New claims 40 and 41 are supported by the subject matter of claim 26. Lastly, new claims 42 and 43 are supported by the subject matter of claim 37. Accordingly, no new matter has been added.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Issues Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 2-7, 22-35 and 37 under 35 U.S.C. § 103(a) as being obvious over Miller et al., USP 3,860,557 (hereinafter referred to as Miller '557). Applicants respectfully traverse this rejection.

The Present Invention and Its Advantages

The present invention relates to an article comprising a substrate coated with a single layer of a powder coating composition. This powder coating composition has very specific properties which allow it to be coated as a single layer having a

visually homogeneous hue. In contrast, the prior art neither suggests nor discloses such a single layer having a visually homogeneous hue being coated on a substrate.

Distinctions Between the Present Invention and Miller '557

Miller '557 relates to an electrostatic method of applying a multi-layered coating and products produced thereby. The multi-layered coating of Millar '557 is formed by applying to a substrate a composition containing two or more powders, provided that the powders of non-conductive materials have dielectric constants that differ from each other by a factor of at least 0.1. After the composition of Millar '557 is applied to the substrate, stratified layers of different powders form due to the different dielectric constants (Millar '557 at column 3, lines 1-11 and 42-45). This is in contrast to the presently claimed article comprising a substrate coated with a single layer of a powder coating composition.

The entire disclosure of Miller '557 is directed to the formation of stratified layers. Thus, Miller '557 relates to a multi-layered coating comprising stratified layers of different powders which are formed due to different dielectric constants (see Miller '557 at column 3, lines 1-11 and 42-45). Miller '557 completely fails to suggest or disclose an article comprising a substrate which is coated with a single layer of a powder coating

composition having a homogeneous hue. Accordingly, the Examiner has failed to present a *prima facie* case of obviousness. Thus, this rejection is improper and should be withdrawn.

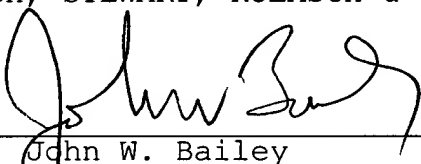
If the Examiner has any questions or comments, please contact Craig M. McRobbie, Reg. No. 42,874 at the offices of Birch, Stewart, Kolasch & Birch, LLP at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


John W. Bailey
Reg. No. 32,881

Post Office Box 747
Falls Church, VA 22040-0747
(703) 205-8000


JWB/CAM/bsh

Attachment: Version with Markings to Show Changes Made

VERSION WITH MARKING TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 32 has been cancelled.

The claims have been amended as follows:

2. (Twice Amended) The [combination of powder coatings] article according to claim 22, wherein each of differences in true specific gravities of said two or more powder coatings is 0.15 g/cc or less.

3. (Twice Amended) The [combination of powder coatings] article according to claim 22, wherein each of differences in apparent densities of said two or more powder coatings is 0.020 g/cc or less.

4. (Twice Amended) The [combination of powder coatings] article according to claim 22, wherein each of differences in softening points of said two or more powder coatings is 5.0°C or less, the softening points being measured using a capillary rheometer.

5. (Twice Amended) The [combination of powder coatings] article according to claim 22, wherein each of differences in

dielectric constants of said two or more powder coatings is 0.20 or less.

6. (Twice Amended) The [combination of powder coatings] article according to claim 22, wherein each of ratios of the electric resistance of said two or more powder coatings is from 0.1 to 10.

7. (Twice Amended) The [combination of powder coatings] article according to claim 22, wherein at least one powder coating is a white powder coating containing a white pigment, and the remaining powder coatings comprise no white pigments.

22. (Three Times Amended) [A] An article, comprising:
a substrate coated with a single layer of a combination of two or more powder coatings, comprising two or more color powder coatings wherein the color of each powder coating is different, wherein a difference in triboelectric charge of said two or more powder coatings is 5.0 $\mu\text{C/g}$ or less; wherein particles of each powder coating are not agglomerated; and wherein said two or more powder coatings form a single layered coating film having a homogeneous hue.

23. (Amended) The [combination of powder coatings] article

according to claim 22, wherein the average particle size of the powder coating is from 1 to 50 μm .

24. (Amended) The [combination of powder coatings] article according to claim 22, wherein the average particle size of the powder coating exceeds 10 μm .

25. (Amended) The [combination of powder coatings] article according to claim 22, wherein said combination is prepared by mixing two or more powder coatings such that the difference in triboelectric charge of said two or more powder coatings is 5.0 $\mu\text{C/g}$ or less.

26. (Amended) [A] An article, comprising
a substrate coated with a single layer of a powder coating
composition which comprises two or more color powder coatings wherein the color of each powder coating is different, a difference in triboelectric charge of said two or more powder coatings is 5.0 $\mu\text{C/g}$ or less; wherein particles of each powder coating are not agglomerated, and wherein said two or more powder coatings form a single layered coating film having a homogeneous hue.

27. (Amended) The [composition] article according to claim

26, wherein a difference in true specific gravities of said two or more color powder coatings is 0.15 g/cc or less.

28. (Amended) The [composition] article according to claim 26, wherein a difference in apparent densities of said two or more color powder coatings is 0.020 g/cc or less.

29. (Amended) The [composition] article according to claim 26, wherein a difference in softening points of said two or more color powder coatings is 5.0° C or less, the softening points being measured using a capillary rheometer.

30. (Amended) The [composition] article according to claim 26, wherein a difference in dielectric constants of said two or more color powder coatings is 0.20 or less.

31. (Amended) The [composition] article according to claim 26, wherein each of ratios of electric resistance of said two or more color powder coatings is from 0.1 to 10.

33. The [coating composition] article according to claim 22, 26 or 37 [23], wherein one powder coating is a white powder coating containing a white pigment and the other powder coatings contain no white pigment.

34. (Amended) The [combination of powder coatings] article according to claim 26, wherein the average particle size of the powder coating is from 1 to 50 μm .

35. (Amended) The [combination of powder coatings] article according to claim 26, wherein the average particle size of the powder coating exceeds 10 μm .

37. (Twice Amended) [A] An article, comprising a substrate coated with a single layer of a powder coating composition[, comprising] which comprises two or more color powder coatings, each of said two or more powder coatings comprising:

a resin; and

at least one colorant, wherein

(1) each of said two or more color powder coatings has a different color,

(2) a difference in triboelectric charge of said two or more color powder coatings is 5.0 $\mu\text{C/g}$ or less,

(3) the particles of each color powder coating are not agglomerated, and

(4) said powder coating composition forms a single layered coating film having a visually homogeneous hue.

Please add the following new claims:

--38. (New) The article according to claim 22, wherein said article consists essentially of:

a substrate coated with a single layer of a combination of two or more powder coatings, comprising two or more color powder coatings wherein the color of each powder coating is different, wherein a difference in triboelectric charge of said two or more powder coatings is 5.0 $\mu\text{C/g}$ or less; wherein particles of each powder coating are not agglomerated; and wherein said two or more powder coatings form a single layered coating film having a homogeneous hue.--

--39. (New) The article according to claim 22, wherein said article consists of:

a substrate coated with a single layer of a combination of two or more powder coatings, comprising two or more color powder coatings wherein the color of each powder coating is different, wherein a difference in triboelectric charge of said two or more powder coatings is 5.0 $\mu\text{C/g}$ or less; wherein particles of each powder coating are not agglomerated; and wherein said two or more powder coatings form a single layered coating film having a homogeneous hue.--

--40. (New) The article according to claim 26, wherein said

article consists essentially of:

a substrate coated with a single layer of a powder coating composition which comprises two or more color powder coatings wherein the color of each powder coating is different, a difference in triboelectric charge of said two or more powder coatings is 5.0 $\mu\text{C/g}$ or less; wherein particles of each powder coating are not agglomerated, and wherein said two or more powder coatings form a single layered coating film having a homogeneous hue.--

--41. (New) The article according to claim 26, wherein said article consists of:

a substrate coated with a single layer of a powder coating composition which comprises two or more color powder coatings wherein the color of each powder coating is different, a difference in triboelectric charge of said two or more powder coatings is 5.0 $\mu\text{C/g}$ or less; wherein particles of each powder coating are not agglomerated, and wherein said two or more powder coatings form a single layered coating film having a homogeneous hue.--

42. (New) The article according to claim 37, wherein said article consists essentially of:

a substrate coated with a single layer of a powder coating

composition which comprises two or more color powder coatings, each of said two or more powder coatings comprising:

a resin; and

at least one colorant, wherein

(1) each of said two or more color powder coatings has a different color,

(2) a difference in triboelectric charge of said two or more color powder coatings is $5.0 \mu\text{C/g}$ or less,

(3) the particles of each color powder coating are not agglomerated, and

(4) said powder coating composition forms a single layered coating film having a visually homogeneous hue.--

--43. (New) The article according to claim 37, wherein said article consists of:

a substrate coated with a single layer of a powder coating composition which comprises two or more color powder coatings, each of said two or more powder coatings comprising:

a resin; and

at least one colorant, wherein

(1) each of said two or more color powder coatings has a different color,

(2) a difference in triboelectric charge of said two or more color powder coatings is $5.0 \mu\text{C/g}$ or less,

(3) the particles of each color powder coating are not agglomerated, and

(4) said powder coating composition forms a single layered coating film having a visually homogeneous hue.--

Claims 38-43 have been added.